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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION**

JOSHUA SIMON, DAVID BARBER, AND
 JOSUE BONILLA, individually and on behalf of
 all others similarly situated, DIANA BLOCK, an
 individual, and COMMUNITY RESOURCE
 INITIATIVE, an organization,

Plaintiffs,

v.

CITY AND COUNTY OF SAN FRANCISCO,
 PAUL MIYAMOTO, in his official capacity as
 SAN FRANCISCO SHERIFF,

Defendants.

CASE NO.: 4:22-cv-05541-JST
 (San Francisco County Superior Court,
 Case No.: CGC-22-601686)

**PLAINTIFFS' REQUEST FOR
 JUDICIAL NOTICE IN SUPPORT OF
 OPPOSITION TO DEFENDANTS'
 MOTION TO DISMISS COMPLAINT**

Date: January 19, 2023
 Time: 2:00 p.m.
 Place: Courtroom 6
 Judge: Hon. Jon S. Tigar

Complaint Filed: September 8, 2022
 Removal Filed: September 28, 2022

TRIAL DATE: None Set

1 In support of Plaintiffs’ Opposition to Defendants’ Motion to Dismiss (“Plaintiffs’
2 Opposition”), Plaintiffs respectfully request that this Court take judicial notice, under Federal
3 Rule of Evidence 201, of the following documents attached as exhibits to the Declaration of
4 Sujung Kim in Support of Plaintiffs’ Opposition to Defendants’ Motion to Dismiss (“Kim
5 Declaration”), filed herewith: Exhibit 1: Release Transcript of Joshua Simon dated May 25,
6 2022; Exhibit 2: Release Transcript of Joshua Simon dated May 27, 2022; Exhibit 3: Release
7 Transcript of David Barber dated August 13, 2021; Exhibit 4: Release Transcript of Josue
8 Bonilla dated May 31, 2022. Given the centrality of each exhibit to the Complaint’s allegations
9 and given that each exhibit’s authenticity is not subject to reasonable dispute, judicial notice is
10 proper.

11 “Generally, district courts may not consider material outside the pleadings when
12 assessing the sufficiency of a complaint under Rule 12(b)(6) of the Federal Rules of Civil
13 Procedure.” *Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988, 998 (9th Cir. 2018). However,
14 under the doctrine of judicial notice, courts may consider “matters of public record without
15 converting a motion to dismiss into a motion for summary judgement.” *Id.* at 999 (citation
16 omitted). Where an adjudicative fact “can be accurately and readily determined from sources
17 whose accuracy cannot reasonably be questioned” it is appropriate for judicial notice. Fed. R.
18 Evid. 201(b)(2). The Court “must take judicial notice if a party requests it and the court is
19 supplied with the necessary information.” Fed. R. Evid. 201(c)(2).

20 Courts in this Circuit routinely take judicial notice of publicly available records,
21 “including hearing transcripts, from other court proceedings.” *Foster Poultry Farms v. Alkar-*
22 *Rapidpak-MP Equip., Inc.*, 868 F. Supp. 2d 983, 990 (E.D. Cal. 2012); *Williams v. Costco*
23 *Wholesale Corp.*, No. 18-cv-00884-JSW, 2020 WL 13505060 (N.D. Cal. July 10, 2020). Here,
24 the proposed exhibits are all certified court hearing transcripts whose accuracy cannot reasonably
25 be questioned. Plaintiffs respectfully request that this Court take judicial notice of Exhibits 1-4 to
26 the Kim Declaration.

1 Plaintiffs respectfully submit that the above items meet the requirements of Rule
2 201(b)(2) of the Federal Rules of Evidence, and therefore, the Court should take judicial notice
3 of them pursuant to Rule 201(c)(2) of the Federal Rules of Evidence.

4 Respectfully submitted,

5 Dated: October 31, 2022

6 By: /s/ Shilpi Agarwal
Shilpi Agarwal

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Justina K. Sessions, am the ECF User whose identification and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all signatories have concurred in this filing.

Dated: October 31, 2022

/s/ Justina K. Sessions
Justina K. Sessions